

AFFIDAVIT

Comes now the affiant, (name), and after being duly sworn hereby states as follows:

1) (name, rank, title, and place of employment of affiant)

2) (connection of affiant with the Identification Unit)

3) The identification Unit is part of the Information Services Branch of the Kentucky State Police.

4) There are three examiners working in the unit. (#) of these examiners are members of the State Police. Therefore, it would be very difficult to handle an increase in the work load of this unit.

5) It is one of the duties of the State Police to investigate violations of criminal laws for the Commonwealth, including providing necessary testimony.

6) In the Identification Unit, the results of each examination are double checked by another person in that unit.

7) When there is a request to retest evidence in that unit, the person retesting is generally aware of the results of the first examination, either through official procedure or by the natural exchange of information between co-workers concerning the day to day occurrences in their work. (Please expand on this idea as much as possible.

8) Everyone in the ID Unit has access to the files kept concerning work the Unit has done.

9) Therefore, the nature of the operation of the ID Unit makes absolute confidentiality of results of re-examination for defense attorneys a highly unrealistic goal.

10) The professionals in the ID Unit are trained in and employ the same methodology in examining fingerprints.

11) If members of the ID Unit were required to testify at trial for the defense when another police fingerprint expert is called for the prosecution, this would create a conflict of interest in that members of the same unit will be understandably and naturally reluctant to attack the findings of their colleagues. The same problems would exist in ID Unit personnel being employed to help a defense attorney prepare for cross-examination of a prosecution expert. (Again, please elaborate as much as possible to demonstrate the distaste the State Police would have in being put in this position).

12) It is the position of the State Police that it is neither practical nor advisable to appoint ID Unit personnel to be forced to act as independent defense experts in retesting evidence already examined by the police.